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*Attorneys for Plaintiff Primerica Life  
Insurance Company*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PRIMERICA LIFE INSURANCE COMPANY,  
a foreign corporation,

Plaintiff,

v.

KAREN V. AGUILAR, an individual;  
GWENDOLYN LEAH DYSON, as  
Administrator of the Estate of John Leonard  
Coleman; AMERICAN FUNERAL  
FINANCIAL, LLC, a South Carolina limited  
liability corporation and, DOES 1-10,

Defendants.

CASE NO. 2:20-cv-00121-JAD-BNW

**MOTION FOR SCHEDULING  
CONFERENCE PURSUANT TO  
LOCAL RULE 22-1.**

Pursuant to Local rule 22-1, Interpleader Plaintiff Primerica Life Insurance Company (“Plaintiff”) hereby moves this court for a scheduling conference pursuant to Local Rule 22-1. This Motion is based on the pleadings and papers on file and the attached memorandum points and authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Local Rule 22-1 provides:

**LR 22-1. INTERPLEADER ACTIONS**

In all interpleader actions, the plaintiff must file a motion requesting that the court set a scheduling conference. The motion must be filed within 30 days after the first defendant answers or otherwise appears. At the scheduling conference, the plaintiff must advise the court about the status of service on all defendants who have not appeared. In addition, the court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the plaintiff fails to prosecute the interpleader action by failing to file the motion required by this rule, the court may dismiss the action. No discharge will be granted and no plaintiff will be dismissed before the scheduling conference takes place.

Here, there are three defendants, Karen Aguilar ("Aguilar"), Gwendolyn Dyson, as the administrator of the estate ("Dyson"), and American Funeral Financial, LLC ("AFF"). AFF waived service of summons on January 27, 2020. (ECF No. 3). Aguilar waived service of summons on January 29, 2020. (ECF No. 6). Dyson refused to waive service of summons.<sup>1</sup> Therefore, Dyson was personally served on March 11, 2020.<sup>2</sup> (ECF No. 9).

On March 20, 2020, AFF filed its Answer (and Crossclaim against Dyson), becoming the first defendant to answer or otherwise appear. (ECF No. 10). Aguilar filed her answer on March 30, 2020. (ECF No. 12). Accordingly, Plaintiff is on the clock to file this Motion pursuant to LR 22-1, and hereby requests the scheduling of a status conference. At the scheduling conference, Plaintiff will provide an updated status of service on all defendants who have not appeared, work to create a briefing schedule and scheduling order, and ask this court for an Order to deposit the contested interplead funds and to dismiss Plaintiff from this action.

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<sup>1</sup> On February 20, 2020, Dyson's counsel, Kendal Weisenmiller indicated that she was not authorized to waive service and Dyson would be seeking new counsel. Weisenmiller refused to provide any further clarification or to respond to any of Plaintiff's emails or telephone calls, let alone confirm that she no longer represents Dyson after that point. Plaintiff is proceeding as if Dyson is unrepresented.

<sup>2</sup> Dyson's 21-day deadline to answer the initial Complaint was Wednesday, April 1, 2020, no Answer has been filed to date.

Accordingly, Plaintiff respectfully requests that this Court grant its Motion for a Scheduling Conference pursuant to Local Rule 22-1.

Dated this 3<sup>rd</sup> day of April 2020.

FORAN GLENNON PALANDECH PONZI &  
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By: /s/ Lee H. Gorlin

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*Attorneys for Plaintiff Primerica Life  
Insurance Company*

IT IS ORDERED that ECF No. 15 is  
GRANTED.

IT IS FURTHER ORDERED that a  
scheduling conference is set for April  
22, 2020 at 1:00 p.m. This hearing will  
be telephonic. Parties are directed to  
dial (877) 810-9415 and enter access  
code 2365998 when prompted. Please  
contact Courtroom Administrator Jeff  
Miller at 702-464-5420 with any  
questions.

**IT IS SO ORDERED**

**DATED: April 06, 2020**



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **MOTION FOR SCHEDULING CONFERENCE PURSUANT TO LOCAL RULE 22-1.** was served by the method indicated:

☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).

☒ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed to the parties who have yet to appear, as set forth below.

Gwendolyn Leah Dyson  
1012 Allure Drive  
Las Vegas, Nevada, 89128

*Defendant in Proper Person*

☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Service List for the above-referenced case.

☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: April 3, 2020.

/s/ Rita Tuttle  
An Employee of Foran Glennon